A. Introduction

The Fair Trade USA Agricultural Production Standard (APS) covers diverse groups of farms and processing facilities under one generic set of requirements. The scope of a Certificate can thus cover a single entity (for instance a farm), or a group of entities which could be of different sizes and/or owned and controlled by multiple parties, such as a cooperative collectively owned by multiple small producers, or an exporter buying from independent farms.

Because the APS can be applied to one or more entities of varying sizes, the scope of an individual Certificate can vary widely between different Certificates. Ensuring that scope requirements are followed is important to ensure that the proposed scope is eligible for certification and all applicable requirements are evaluated for compliance within each entity during the audit.

B. Purpose

This document explains the requirements for the scope against which an audit will be conducted and the Certificate issued. It defines the entities, products, sites and activities that may or must be included in the scope of a Certificate. It also explains the requirements for sites handling Fair Trade product that are not included in the scope of a Certificate.

All entities, sites, and activities included in the scope of a Certificate must comply with the requirements of the APS, and are subject to audits by Fair Trade USA and/or an approved Certification Body.

C. Scope

This document applies to all entities certified against the Fair Trade USA Agricultural Production Standard.
1. Requirements for the Certificate Holder

1.1. The Certificate Holder holds the APS Certificate on behalf of one or multiple entities in its supply chain. It is responsible for ensuring compliance with the APS by those entities. The Certificate Holder must be a company or legal entity, and cannot be a person.

1.2. The Certificate Holder must have sufficient staff or support in the same country as the suppliers included under its Certificate to implement the Internal Management System (IMS) and ensure that its suppliers follow the APS.

The Certificate Holder must either: a) be in the same country as its suppliers included in the scope of the Certificate, or b) have a local majority-owned subsidiary which is responsible for implementing the IMS required in Module 6, or c) have sufficient locally-based staff or have contracted a local support organization as an Implementation Partner to manage some or all of the IMS.

1.3. The Certificate Holder must ensure that roles and responsibilities are clearly understood by all parties. The Certification Body is responsible for determining if the IMS is sufficient to ensure that all entities included in the scope of the Certificate are implementing the APS correctly.

1.4. Only an APS Certificate Holder may buy and sell product as Fair Trade Certified™.

The Certificate Holder may sell product from entities included in the scope of their APS Certificate as Fair Trade Certified. It may also buy products from other APS Certificate Holders and sell them as Fair Trade Certified, however it must be licensed with Fair Trade USA as a trader and comply with requirements in the Trade Standard.

The Certificate Holder may also buy products from non-certified entities as long as these products are not sold as Fair Trade Certified, and the traceability rules for the Fair Trade Certified product are followed. Please see Module 5 of the APS for these requirements.

1.5. Entities and sites independent from the Certificate Holder who are included in the scope of an APS Certificate may only sell product as Fair Trade Certified to their Certificate Holder or entities included in the scope of the Certificate.

2. Requirements Regarding Products Included in the Scope of a Certificate

2.1. Certification of endangered and threatened species is restricted.

Species whose trade is controlled and monitored in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendices I, II, or III, listed as Endangered or Critically Endangered on the global IUCN Red List, and/or identified as endangered in national regulations or National Red Lists, may not be certified as Fair Trade unless the producer has the required cultivation, harvest, and sales permits and/or licenses from the relevant legal authority.

2.2. Certification of products that are collected from the wild (i.e. not cultivated) is only allowed if harvested from areas where this is legally permitted and the collector has permission from the relevant legal authority, and harvesting activities do not negatively impact the target species population, habitat or ecosystem.

Applicants will need to demonstrate to Fair Trade USA and/or the Certification Body that the harvesting of such products does not threaten the survival of the target species or ecosystem services in the harvest
area. Producers and collectors who are Trading Members in good standing of the Union for Ethical BioTrade, and products certified to USDA National Organic Program wild crop harvesting, FairWild, or Forest Stewardship Council Non-Timber Forest Product collection standards, would meet this requirement. Such products are exempt from Module 4 for the harvesting/collection phase, and collection activities will not be audited against those criteria. However, any processing that occurs post-harvest and which falls under the scope of the Certificate will be required to comply with the full standard, including Module 4.

2.3. A list of products that Fair Trade USA currently certifies is available in the Price and Premium database on our website: FairTradeUSA.org. Requests for new varieties and product categories should be sent to standards@fairtradeusa.org.

3. Requirements Regarding Sites Included in the Scope of a Certificate

3.1. All sites where farming and harvesting of Fair Trade product occurs must always be included in the scope of the APS Certificate and audit.

A site is a natural grouping of one or more buildings or farms with a common workforce which might work at different places on different tasks, or where workers might cross paths during the day even if they do not work together. It includes, for example, a complex of greenhouses with a common entrance. Any worker housing provided by the Certificate Holder, farm, facility, or employer is considered part of a site, even if it is located elsewhere, and is included in the scope of the Certificate and APS audit.

3.2. Sites managed by the Certificate Holder where Fair Trade product is farmed, processed, packed, sorted for quality, or transformed must be included in the scope of the Certificate.

Other sites managed by the Certificate Holder where Fair Trade product is only being stored or transported do not need to be included in the scope of the Certificate, but must comply with the requirements for ‘Sites Not Included in the Scope of the Certificate’ as described under Section 5 of this document.

3.3. Some types of independently owned and operated sites must also be included in the scope of the Certificate. The APS Certificate can include multiple independent entities under one Certificate.

All intermediate buying and selling operations between the farmer(s) and the Certificate Holder where Fair Trade product is being processed, packed, sorted for quality or transformed must be included in the scope of the APS Certificate. If the intermediaries are only storing or transporting the product they are not required to be in the scope of the Certificate but must comply with the requirements for ‘Sites Not Included in the Scope of the Certificate’ as described under Section 5 of this document.

4. Requirements Regarding Activities Included in the Scope of a Certificate

4.1. At a minimum, all farming and harvesting activities must be included in the scope of the Certificate and audit.

This means that if a farmer is selling ‘fruit on tree’, this farmer cannot be the APS Certificate Holder because the harvesting step must also be included. The company responsible for harvesting (or another company later in the supply chain) must be the Certificate Holder so that at least the farming and harvesting steps are included.
All farming and harvesting activities are included in the scope of the Certificate, regardless of whether workers carrying out the activities are employed directly or through a labor contractor.

4.2. For any site in the scope of the Certificate, all on-site regular work and workers in the production chain are included in the scope of the Certificate. This applies equally to permanent and temporary workers, workers employed directly, and those employed through a labor contractor.

Regular work in the production chain includes any service that occurs at least annually related to production and transformation, even if it is not for a Fair Trade product. This includes, but is not limited to, all harvesting, spraying, and regular maintenance/cleaning of equipment or facilities. This excludes short-term non-production projects, such as special construction.

This means that working conditions for all workers on any site in the scope of the Certificate must follow the APS, even if there are some workers who never handle Fair Trade product.

5. Requirements for Sites Not Included in the Scope of a Certificate

5.1. Sites not required to be in the scope of the Certificate may be included at the Certificate Holder’s discretion.

For example, sites where Fair Trade product is only being stored or transported, or any processing, packing, sorting for quality, or transforming which is subcontracted off-site. These sites are not required to be in the scope of the Certificate, but the Certificate Holder may elect to include them.

5.2. For any sites where Fair Trade product is stored, transported or handled that are not included in the scope of the Certificate, the Certificate Holder must have a contract with the entities which covers all of the following elements:

1) That the entity will ensure that Fair Trade product is not mixed with non-Fair Trade product, in accordance with requirements in Sub-module 5.1 of the APS.

2) That the entity meets the ILO Core Conventions:
   a) Forced Labour Convention, 1930 (No. 29)
   b) Abolition of Forced Labour Convention, 1957 (No. 105)
   c) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
   d) Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
   e) Minimum Age Convention, 1973 (No. 138)
   f) Worst Forms of Child Labour Convention, 1999 (No. 182)
   g) Equal Remuneration Convention, 1951 (No. 100)
   h) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

3) That Fair Trade USA and/or an approved Certification Body may enter the site(s) to perform control activities against these contract requirements.

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1 This refers to any subcontractor (individual or company) that is not managed by the Certificate Holder nor subject to a controlling interest by the Certificate Holder (either through ownership or family relationships) and which does not take legal ownership of the Fair Trade product but provides services to process, pack, or transform the product.